

UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT NORTH CAROLINA  
WINSTON-SALEM DIVISION

IN RE:

TERESA HINSON WAGNER

Case No. 19-51309

WILLIAM P. MILLER, UNITED STATES )  
BANKRUPTCY ADMINISTRATOR and )

DANIEL C. BRUTON, CHAPTER 7 )  
TRUSTEE )

vs. )

Adversary No: 20-06189

DMB FINANCIAL, LLC )

MOTION TO APPROVE SETTLEMENT

Now Come the Plaintiffs, by and through Counsel, and move the Court pursuant to Bankruptcy Rule 9019 for approval of a settlement of this adversary proceeding, and in support thereof, show the following:

1. The Debtor and Defendant DMB Financial, LLC ("DMB") entered into a Debt Settlement & Negotiation Services Agreement dated January 23, 2017.
2. Pursuant to the terms of the Agreement, DMB provided debt-relief services and the Debtor made payments to DMB for services.
3. The Debt Settlement Agreement was terminated on October 7, 2019.
4. The Debtor, Teresa Hinson Wagner, filed a Chapter 7 case on December 16, 2019.
5. Plaintiffs filed an Adversary Proceeding against Defendant seeking injunctive relief, damages for unfair and deceptive trade practices, and the avoidance and recovery of fraudulent transfers pursuant to 11 U.S.C. §§ 548 and 550.
6. DMB denies any wrongdoing or liability.

7. After discussion and negotiation, the Parties have agreed, subject to the Bankruptcy Court's approval, to settle all potential claims at issue in the Adversary Proceeding, subject to the terms of the settlement agreement and mutual release.
8. The Defendant has offered, and the Plaintiffs have accepted, the payment of \$4,450.00 as full and final settlement of these proceedings, without any admission of wrongdoing or liability on the part of DMB, whatsoever.
9. All the parties will execute a mutual release of the claims made in the Adversary Proceeding, arising out of the Adversary Proceeding, or which could have been brought in the Adversary Proceeding, including any claims related to the Debt Settlement Agreement.
10. Following approval of this Agreement by the Court and following receipt by the Trustee of the Settlement Payment, Trustee shall dismiss, with prejudice, the Adversary Proceeding. The dismissal, with prejudice, shall be filed as to all claims initially asserted in the Adversary Proceeding.
11. Plaintiffs hereby submit that the settlement of this Adversary Proceeding, and court approval of this settlement, would be in the best interest of the bankruptcy estate.

This the 27th day of January, 2021

William P. Miller, Esq.  
U.S. Bankruptcy Administrator

By s/Robert E. Price, Jr.  
Assistant Bankruptcy Administrator  
State Bar No. 9422  
101 S. Edgeworth Street  
Greensboro, NC 27402  
Tel: 336-358-4170

s/ Daniel C. Bruton  
Daniel C. Bruton, Trustee  
Bell, Davis, Pitt  
100 N. Cherry Street, Suite 600  
Winston-Salem, NC 27101

CERTIFICATE OF SERVICE

The undersigned certifies that on January 27, 2021 the Motion to Approve Settlement served upon the following by first class mail, postage prepaid or via electronic service, where indicated, as follows:

Teresa Hinson Wagner  
5041 Hutchins Street  
Winston-Salem, NC 27106

DMB Financial, LLC  
Att'n Officer or Managing Agent  
500 Cummings Center, Third Floor  
Beverly, MA 01915

Graham O'Donnell, Esq.  
One Boca Place  
2255 Glades Road, Suite 400-E  
Boca Raton, FL, 33431

Counsel for DMB Financial

Clyde R. Cash                      via electronic service

Daniel C. Bruton                 via electronic service

By: s/ Traci Galloway  
Bankruptcy Analyst